



Planning Board Meeting  
August 22, 2019, 6:00 pm  
Agenda

1. Call to Order
2. Roll call
3. Approval of prior minutes of July 11, 2019
4. Old Business:
5. New Business:
  - Amendment to Section 3 Phase 1 of approved Highview Terrace Dev. Plan
  - Amendment to Article 18 in regard to demolition standards
  - Discussion on a Planning Board member's resignation
6. Open Discussion
7. Adjournment



**BELLBROOK PLANNING BOARD**

**PUBLIC MEETING MINUTES**

**July 11, 2019**

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**PRESENT:** Mr. Ed Stangel  
Mr. Brady Harding  
Chairman Van Veldhuizen

**GUEST:**

**CALL TO ORDER**

Chairman Van Veldhuizen called the meeting of the Planning Board to order at 6:00 PM.

**FORMAL APPROVAL OF MINUTES**

Chairman Van Veldhuizen requested a motion regarding the prior minutes of April 11, 2019. Mr. Harding made a motion to approve the prior minutes; Mr. Stangel seconded the motion. Roll was called. Mr. Harding, yes; Mr. Stangel, abstain; Chairman Van Veldhuizen, yes. The motion carried 3-0; the minutes stand approved.

**OLD BUSINESS**

**NEW BUSINESS**

- **Amendment to section 18.20.B(7)(b) Temporary Signage in the Old Village**

Jeff Green, Planning and Zoning Administrative Assistant, explained that currently requests for any temporary sign that would only be up for less than 30 days must be approved by the Village Review Board. The process for setting and holding a meeting of this board could take longer than the time the sign would be up. Mr. Green researched similar codes for Centerville and Dayton. Staff proposes a change to the Zoning Code removing the requirement of approval from the Village Review Board for these temporary signs. The proposed change would read: Temporary signs of various types and designs for businesses and public notice shall be allowed but are limited to a total of thirty (30) days display time per quarter. If the Planning Board agrees, this change could be sent to Council for approval.

Mr. Harding agreed that the current requirement makes no sense and takes too much time. Mr. Green added that this does not change the intent of the code or any of the requirements for permanent signs.

Mr. Stangel made a motion to amend Section 18.20.B(7)(b) to remove the requirement for Village Review Board approval of temporary signs. Mr. Harding seconded the motion. The Clerk called the roll. Mr. Stangel, yes; Mr. Harding, yes; Dr. Van Veldhuizen, yes. The motion passed 3-0.

- **Discussion on Internally Illuminated Sign Restrictions in the Old Village**

Mr. Green explained that the Village Review Board and the Board of Zoning Appeals approved an LED sign for the Bellbrook Presbyterian Church at 72 W Franklin Street. The zoning code for the Old Village clearly states that they are prohibited. But this will be the third variance that has been approved. This sets a clear precedence. Mr. Green asked the Planning Board members if they want to change the code.

Mr. Harding suggested keeping the code for now until we have put more of the comprehensive plan in place. Mr. Stangel and Dr. Van Veldhuizen agreed.

- **Discussion on Subdivision Regulations**

Mr. Green explained that this discussion was initiated due to a lack of a clear code defining the definition of a subdivision. A property owner with 12 acres of land has built four homes on a single lane driveway, of which half is gravel. Bellbrook's code does not define a number of houses make it a subdivision.

Mr. Harding asked if there were fire hydrants and accessibility for emergency vehicles. He believes this is a safety issue.

Mr. Green asked if the board would agree that either three or five homes be the cut-off number to make it a subdivision. Mr. Stangel replied that he thought 5 was a realistic number.

Dr. Van Veldhuizen answered that between three to five seemed appropriate. He asked if there was a planning standard for subdivisions. Mr. Green answered that the code could limit the number of houses can share a driveway and the width requirement.

- **Gantt Chart Discussion**

Mr. Green shared a Gantt chart with the Planning Board that prioritizes the recommendations from the Comprehensive Plan.

Dr. Van Veldhuizen stated that strategic goals should have higher priority. He added that a critical path is needed because some of the goals cannot be accomplished until others are done. Mr. Green also said the City needs a good, strong code and policies in place.

Mr. Harding asked if the City is going to do a historic site inventory. Mr. Green agreed that this needs to be done.

Mr. Harding asked what can be done about vacant and run-down properties like the Dart building. Mr. Green agreed that the core of the downtown area is vital. The City's property maintenance codes allow for fines to be assessed to property owners for failure to maintain their property.

Mr. Harding pointed out the Comprehensive Plan stresses the need for a walkable downtown. He explained that his wife is in a wheelchair and they are very aware of problems with the sidewalks. Mr. Green explained that the sidewalk review code is vague. This is a priority by the end of the summer.

Everyone present agreed that more work needs to be done on the Gantt chart.

**ADJOURNMENT**

Mr. Bennett moved to adjourn the meeting at 7:32 PM and was seconded by Mr. Stangel.

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David Van Veldhuizen, Chairman Date

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Pamela Timmons, Secretary Date



To: Planning Board  
From: Jeff Green, Planning and Zoning Assistant  
Date: August 19, 2019  
Subject: Staff Report for Amendment to Section 3 Phase 1 HT Final Dev. Plan

### Summary of the Request

A proposal by Katherine and James Cyphers, on behalf of Clemens Development, to amend the approved final development plan for the Highview Terrace Subdivision. The proposal would seek to amend the approved walking path easement located within the development.

### Applicant Information

**Applicant:** Katherine & James Cyphers  
Bellbrook OH 45305

**Developer:** Clemens Development Co  
3899 Indian Ripple Rd STE G  
Dayton OH 45440

### Current Zoning District

PD-1 (Planned Development Residential)

### Parcel Identification

### Additional Actions or Next Steps to be taken by the City

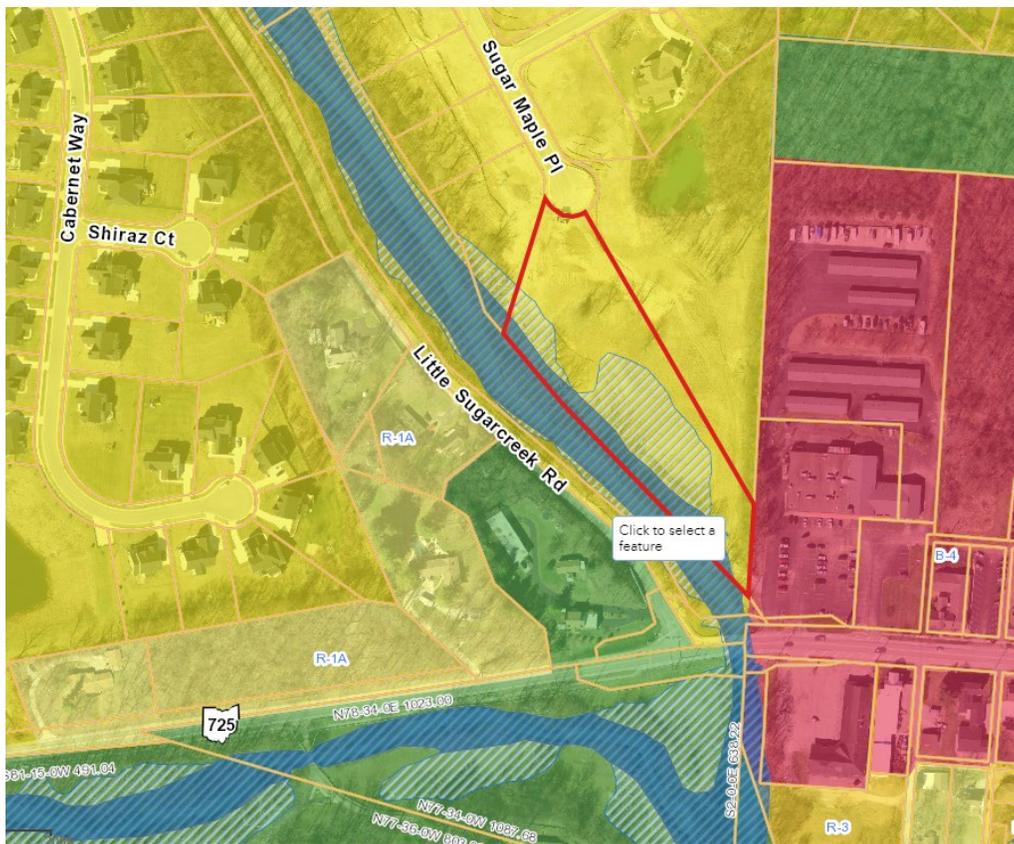
The Planning Board would make a recommendation to City Council. Council would have the final authority to approve or deny the request. Council approved the plan in 2017 with a condition that any change to the walking path would require council approval.

### Applicant's Reason for the Request

Per the narrative submitted, the applicant is requesting that a minor amendment be made to the approved final development plan to remove the walking path easement between lot 50 and 51. The applicant gives the reasons of: hazardous terrain, steep elevation, and dangerous location as the reason for the request. Per the applicant, there have been a few accidents located along the easement given its elevation. The applicants advise that they are concerned regarding the liability of the existing walking path easement. It should be noted that per Ordinance 2016-5, the pedestrian access (walking path) is to be owned and maintained by the HOA.

Please find the attached narrative for the applicant's full reasoning.

### Surrounding Land Use within 1,000 Feet



Highview Terrace is zoned as PD-1, with lot 50 abutting Dot's Supermarket and Little Sugar Creek. Lot 50 is partially located within the floodplain/way as can be seen above

### Previous Related Development Decisions in the Immediate Area (3-5 Years)

Highview Terrace Section 3 Phase 1 was recorded in September 2017. A copy has been included in the packet titled "Approved Final Development Plan"

### Comprehensive Plan Applied to the Geographical Area

The 2019 Comprehensive Plan does identify the need the lack of pedestrian connections to downtown at the “Walkable Community Workshop.” The plan further states that connection from Magee Park to downtown could create a linkage to the subdivisions along Little Sugarcreek Road.

**Existing Public Utilities**

N/A

**Soil Survey Data**

Not Applicable

**Classification of Streets, Traffic Volumes & Direction, Planned Improvements**

Not Applicable

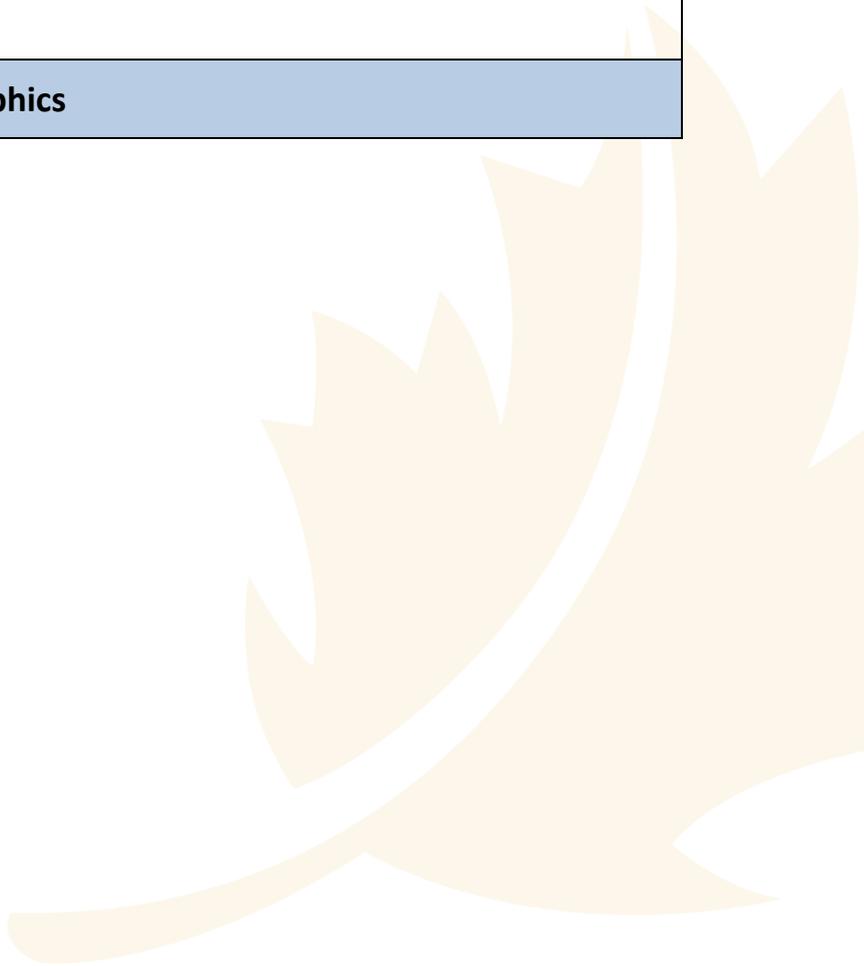
**Flood Plain Information**

Partially located within the flood plain.

**Comments from City and County Agencies**

Not Applicable

**Supporting Documents, Maps & Graphics**







08.16.2019 15:46



08.16.2019 15:46





## Staff Recommendation

Staff would recommend the proposed amendment be **denied** to remove the walking path easement. While staff acknowledges that the portion of the proposed path located between lots 50 and 51 is not ADA compliant, staff believes that the city's original intent is to funnel people from nearby subdivisions downtown. Once complete, this walking path (and all extensions) would enable the subdivisions of vineyard, Sable Ridge, the Landings, and Highview Terrace a pedestrian access to downtown Bellbrook. This goal is further supported, and pointed out, in the 2019 Bellbrook Comprehensive Plan.



To: Planning Board  
From: Jeff Green, Planning and Zoning Assistant  
Date: August 19, 2019  
Subject: Staff Report for Changes to the Zoning Code

### Summary of the Request

The request is to amend Article 18 of the Bellbrook Zoning Code. The request would add regulations for the demolition of structures review throughout the city.

### Applicant Information

City Staff

### Additional Actions or Next Steps to be taken by the City

The Planning Board would need to recommend the proposed changes to City Council for their review and approval.

### Applicant's Reason for the Request

This request is to codify standards for the demolition of structures located within the City of Bellbrook. These standards would principally apply to large structures such as a house or garage, with the intent being that demolition is completed fully and done so to an acceptable manner.

Currently, the City of Bellbrook does not have standards for the demolition of structures. The proposed regulations would seek to ensure all demolitions of major structures in the city fully completed with the land being left being seen as a "green field." Please see the attached "Section 18.41" for the full proposal.

### Proposed Amendment

#### **SECTION 18.41 DEMOLITIONS.**

1. **Purpose.** It is the purpose of this section to ensure that demolition projects conducted in the City of Bellbrook are done in a safe and complete manner. The end product of demolition will be a "park-like" graded grass lot.
2. **Applicability.** These standards apply to all demolitions of residential, commercial and

industrial principal and accessory structures. No structure, required to meet the standards of this section, shall be demolished, in whole or in part, without the issuance of a Demolition Permit prior to commencing work.

A. **Exceptions.** Fences, storage sheds, above ground swimming pools shall be exempt from section 18.41 in its entirety.

3. **Security Deposit.** Applicants desiring a permit to demolish a structure shall deposit with the City a security deposit in the amount specified below.

a. Residential Accessory Structure	\$5,000.00
b. Single-Family Dwelling	\$10,000.00
c. Multi-Family Dwelling (3 units or less)	\$5,000.00 per unit
d. Nonresidential and Multi-Family Residential (4 units or more)	\$5.00 per square foot

4. **Bond in Lieu of Security Deposit.** In lieu of the security deposit required in section 3 herein, an owner or authorized representative may deposit with the City a performance bond or irrevocable letter of credit in a sum equal to that required in Section 3 herein to ensure the completion of the demolition per the standards set forth herein.

5. **Forfeiture of Bond or Security Deposit.** In the event that demolition is not completed per the standards set forth herein, the required security deposit, bond, or irrevocable letter of credit shall be forfeited and paid over to the City. However, if the bond, security deposit, or letter of credit is not sufficient to cover all inspection or demolition costs, additional fees shall be required when needed, at the discretion of the City Manager. Such fees will be responsibility of the property owner.

6. **Demolition Standards:**

A. **Safety Precautions.** The owner or authorized representative shall take appropriate safety precautions in order to prevent injury, property damage, and unauthorized entry. Reasonable control measures shall be in place at all times as necessary including, but not limited to, guard rails, barriers, warning lights, fences, and warning notices. Trenches, ditches or other excavations that are falling or tripping hazards shall not be left unattended unless protected by temporary fencing or other barrier designed to prevent unauthorized entry.

B. **Dust and Debris Control.** The demolition site shall at all times be maintained in a manner to reduce the impact of dust on adjacent properties and prevent debris from falling on adjacent properties or public rights of way.

C. **Maintenance of the Right of Way.** All streets, sidewalks and other areas in the public right-of-way shall be kept free of mud and/or debris as a result of demolition activities, including hauling and grading activities.

D. **Utilities.** All utilities, including sanitary sewer, water, gas, and electric shall be disconnected and capped per the utility having jurisdiction's regulations. The Contractor is responsible for contacting the Ohio Utilities Protection Service (OUPS) to locate utilities and each

individual utility to confirm the status of abandonment, retirement or capping of those utilities.

E. **Foundations.** All footers and foundation walls shall be removed in their entirety.

F. **Concrete and Asphalt.** All slabs, driveways, parking areas, driveway approaches and other areas of impervious surface shall be removed unless agreed upon in writing by the City prior to commencement of demolition. Public sidewalks shall remain. New curbing shall be installed in accordance with City specifications where driveway approaches were removed.

G. **Removal of Accessory Structures.** When demolition includes demolition of the principal structure, all accessory structures, including but not limited to fences, decks, storage sheds, garages, and signs, shall be removed along with the principal structure unless agreed upon to remain prior to demolition.

H. **Landscaping.** All landscaping shall be removed from the site unless agreed upon to remain prior to demolition by the city.

I. **Finish Grading.** All excavations shall be leveled with approved clean fill and compacted substantially to prevent future settling. Finish grade shall be level, smooth and free of rocks and/or other debris.

J. **Grass.** Grass shall be replaced on the lot either by seed or sod. Seed shall be reasonable free of weeds or coarse grass and shall be evenly sown onto the topsoil. Demolition shall not be considered completed until grass has been restored to the site.

7. **Demolition Plan.** A demolition plan is required upon submittal. The plan shall include the following items:

A. Erosion Control Plan

B. Projected Start and End Date

C. Staging Requirements

D. Site plan showing demolition, location of construction fences, barriers, railings, & walkways (Can be copied from Greene County GIS)

## **Staff Recommendation**

Staff would recommend approval as the proposed addition would serve to strengthen the public safety and aesthetics for the community.